

## TIPS FOR HEARING AID DISPENSERS

### PHYSICIAN AND HEARING AID DISPENSER RELATIONSHIPS

According to Business and Professions Code section 655.2, no physician and surgeon, medical corporation, nor audiologist who is NOT a licensed hearing aid dispenser may employ a hearing aid dispenser for the purpose of fitting or selling hearing aids. However, a physician or medical corporation may hire one if he or she is affiliated with a comprehensive group practice health care service plan (such as a health maintenance organization or preferred provider organization) licensed pursuant to the Knox-Keene HealthCare Service Plan Act, Chapter 2.2 of Division 2 of the Health and Safety Code.

The law does not prohibit a landlord-tenant (renting or leasing of space) relationship between a physician or audiologist and a hearing aid dispenser. Any rental or lease agreement must be at fair market value and there can be no monetary or other considerations for the referral of clients. In other words, there cannot be any financial arrangement that includes money, discounts, or percentages of sales between the physician and the hearing aid dispenser.

Therefore, neither party can benefit from the other. Any arrangement that includes a percentage of sales or a fee for the referral for hearing aids is in violation of Business and Professions Code 650 related to prohibited considerations for referrals and could result in disciplinary action against the licensees involved. Additionally, neither party can advertise the other's services; for example, a hearing aid dispenser cannot advertise "physician or audiology services available," and an audiologist cannot advertise "hearing aid dispenser on staff," unless he or she is a licensed hearing aid dispenser.

Before entering into such an agreement with a physician, audiologist, or other professional, it is recommended that private legal counsel be consulted regarding the law. If you have questions, you may contact the Board; however, the Board is unable to offer legal advice or opinions on proposed agreements.

### OPEN HOUSES

When factory and manufacturer representatives attend open houses at hearing aid dispensing offices for the purpose of providing specific and detailed information on their particular products, they are also participating in the hearing aid selection process. Business and professions Code section 3306(a) states in part that the practice of fitting or selling hearing aids means those practices used for the purpose of selection and adaptation of hearing aids. Because the information provided to consumers is used to help them select a hearing aid, factory and manufacturer representatives are actually engaged in activities used for the purpose of selection of hearing aids. Therefore, they are in violation of the Business and Professions Code, which could lead to disciplinary action against a hearing aid dispenser licensee for aiding and abetting unlicensed practice.



## Q & A ABOUT RENEWAL OF THE HEARING AID DISPENSER LICENSE

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### ***How do I renew my license?***

Renewal notices are automatically sent to your last address of record approximately 90 days prior to the expiration date. You are responsible for timely renewal of your license whether or not you receive a renewal notice.

If you did not receive a notice, please visit the Board's website at [www.speechandhearing.ca.gov](http://www.speechandhearing.ca.gov) and download a renewal form. Please carefully complete the form and certify whether or not you have completed nine hours of approved continuing education for the previous calendar year, and include whether or not you have been convicted of a crime or had disciplinary action taken against any license that you hold since your last renewal. The form must be submitted with the appropriate fee; an additional \$25 delinquent fee must be submitted if your renewal is mailed after your expiration date.

### ***How do I renew my delinquent license?***

If your license has been delinquent for less than one year, submit to the Board the \$280 renewal fee and \$25 delinquency fee along with the delinquent renewal form that may be found on the Board's website at [www.speechandhearing.ca.gov](http://www.speechandhearing.ca.gov). Please carefully complete the form and certify whether or not you have completed nine hours of approved continuing education for the previous calendar year, and include whether or not you have been convicted of a crime or had disciplinary action taken against any license that you hold since your last renewal.

If your license is delinquent more than one year, please contact the Board.

Pursuant to Business and Professions Code section 3454, a license that remains in delinquent status for a period of three years will be permanently cancelled. Thereafter, the holder of the expired license would have to apply for and obtain a new license (which means starting all over from the beginning as a new licensee, including passing all exams).

## REMINDERS

According to Business and Professions Code section 3362(a); licensees must notify the Board in writing of address changes related to their main office locations.

You may submit your address changes via U.S. mail, e-mail, or fax. Also, there is a change of address form available for your use on the Board's website at [www.slpad.ca.gov/licensees/addchg.pdf](http://www.slpad.ca.gov/licensees/addchg.pdf).

Please be aware that a branch office address cannot be changed. If your branch office address changes, you must cancel it's license by returning it to the Board with a notation that you are no longer dispensing at that location. You can also write to the Board and ask to cancel the license, then submit a new branch license application and fee for the new address.

## CONSUMER CORNER . . .

### Internet and Mail Order Sales of Hearing Aids

Purchasing a hearing aid by mail order or internet may seem like a good way to save money, but there could be additional, unforeseen costs. It pays to research your rights and know the seller's responsibilities. California law states that:

- Mail order or internet hearing aids may only be purchased through a dispenser licensed by the Board.
- When hearing aids are purchased by mail or internet there must be no fitting, selection, or adaptation of the instrument, or advice given as to fitting, selection, or adaptation.
- The seller may give no advice with respect to the taking of an ear impression (ear impressions are made to ensure the proper fit of a hearing aid).
- Prior to purchasing a hearing aid through mail order or the internet, you must provide a statement signed by a physician, audiologist, or licensed dispenser that verifies direct examination of your ear.

### Buying Tips

\* Always deal with a licensed hearing aid dispenser to take best advantage of California's consumer protection laws. Call the Board or check the website to verify that the dispenser has a valid California license.

\* Read the fine print on advertisements. If a pitch seems too good to be true, it probably is.

\* Visit the Board's website at [www.speechandhearing.ca.gov](http://www.speechandhearing.ca.gov) for more helpful consumer information and to verify a dispenser's license.

### Potential Risks

To work effectively, hearing aids must fit correctly. If a mail order or internet sale doesn't involve personal contact with a licensed dispenser, it's difficult for you to benefit from a proper fitting.

Follow-up evaluation, which is important to ensure the hearing aid is working appropriately and meeting your needs, probably isn't available.

It may be difficult to get a refund from an out-of-state seller. According to California law, if you are not satisfied with a hearing aid, and it has not been specifically fit for your particular needs, you may receive a full refund if you return it to the seller within 30 days of receipt. With an out-of-state sale, the recourse available to the consumer is limited because the Board has no jurisdiction over other states.